



Federal Emergency Management Agency
VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT

Public Assistance
Environmental & Historic Preservation
Compliance

FEMA-XXXX-DR-VA



FEMA-XXXX-DR-VA

ENVIRONMENTAL AND HISTORIC PRESERVATION COMPLIANCE

The Federal Emergency Management Agency (FEMA) and the Virginia Department of Emergency Management (VDEM) work together to help communities prepare for, respond to, and recover from disasters. All applicants for federal and commonwealth disaster assistance must comply with all applicable local, commonwealth, and federal laws, permits, and conditions before they can receive federal funding. Failure to comply will delay and may jeopardize receipt of funds. The following is an overview of environmental and historic preservation considerations and permitting for Public Assistance applicants, as they prepare their project worksheets.

FEMA ensures compliance with federal environmental and historic preservation Public Laws, and Presidential Executive Orders (EOs), and advises on permitting requirements. VDEM ensures compliance with commonwealth laws and permitting requirements. Applicants are responsible for providing VDEM and FEMA with sufficient project work detail, and implementing recovery work consistent with applicable local, commonwealth, and federal laws; including permitting. Both FEMA and VDEM help applicants coordinate these matters with other agencies.

We are available for further technical assistance; please contact the Joint Federal Office (JFO) in Richmond:

- James Wright, FEMA Environmental Liaison Officer, (804) 270-2846 (cell) or e-mail at james.m.wright1@dhs.gov
- Mark Beto, FEMA Public Assistance Officer, (804) 270-4409 or e-mail at mark.beto@dhs.gov
- Nealia Dabney, Virginia Department of Emergency Management, Public Assistance Officer, (804) 270-4457 (JFO) or e-mail at Nealia.dabney@vdem.virginia.gov

FEMA/VDEM Joint Field Office (JFO)
DR-XXXX-VA
4800 Cox Road, Glen Allen, VA, 23060
JFO Main Phone (804)270-2057
JFO Main FAX (804) 270-2543

For FEMA general environmental information also see the following websites:

<http://www.fema.gov/ehp>
<http://www.fema.gov/region/iii/env>

GENERAL ENVIRONMENTAL AND HISTORIC COMPLIANCE GUIDANCE

Numerous Federal environmental and historic preservation laws require compliance in order for applicants to receive federal funds for projects. The following are the laws that are usually triggered by FEMA funded projects:

- National Environmental Policy Act (NEPA)
- Endangered Species Act
- National Historic Preservation Act
- Fish and Wildlife Coordination Act
- Resource Conservation & Recovery Act
- Comprehensive Environmental, Response, Compensation & Liability Act (CERCLA)
- EO 12941 Seismic Safety
- EO 11990 Wetlands Protection
- EO 11988 Floodplain Management
- EO 12898 Environmental Justice
- Clean Water Act
- Clean Air Act
- Coastal Zone Management Act
- Coastal Barrier Resources Act

Federal funding assistance may be provided for the following work in accordance with specific policy guidance from FEMA and VDEM:

- Emergency Actions (e.g. search and rescue, emergency care, issues of life, safety, and property protection)
- Debris collection and disposal at approved landfills (not necessarily temporary debris storage/staging areas)
- Repairs/restoration to pre-disaster condition (with no significant change in footprint to include the construction area), unless the structure is older than 50 years
- Temporary repairs, unless the structure is older than 50 years

Before federal funding assistance may be provided, a review of the following actions for environmental and historic preservation considerations/compliance must be completed:

- Clean up and/or disposal of oil and hazardous materials.
- Debris disposal (other than to a properly permitted landfill).
- Any project where the repair/reconstruction footprint is different than pre-disaster condition
- Projects that include mitigation measures (funded under Stafford Act Section 406)
- Any project affecting a historic or potentially historic archeological site or structure
- Any project potentially affecting a threatened, endangered, proposed, or other protected species
- Any project adversely affecting a floodplain
- Any project adversely affecting a wetland, waterway, or water body
- Any project with any other known or suspected environmental concerns
- Improved projects (the Public Assistance Coordinator will clarify)
- Alternate projects (the Public Assistance Coordinator will clarify)
- Other projects where the approved scope of work has been changed

GENERAL DEBRIS MANAGEMENT

Disposal of debris and demolition waste can be a major concern following any disaster. Debris may come in many forms such as downed trees, damaged buildings, building materials, sediment, and hazardous waste. The **Virginia Department of Environmental Quality (VDEQ)** oversees and regulates debris and hazardous waste management in conjunction with the **U.S. Environmental Protection Agency**. DEQ has seven regional offices, and local officials are encouraged to contact the appropriate VDEQ region.

VDEQ realizes that special accommodations must be made to clear debris resulting from this disaster. Appropriate and timely disposal of waste materials is essential to protect the public health and safety of the environment.

VDEQ offers advice to local officials regarding various emergency debris management options such as stockpiling or burning vegetative waste. Local officials are free to determine which available options best fit their situation. Source reduction and waste stream separation are strongly encouraged and may be necessary in many cases. Applicants are encouraged to use the wood or else to reduce debris volume by chipping, grinding, and/or burning (in that order).

General Debris Management:

The principal role of VDEQ is to offer advice to local officials relative to the various choices available for debris management. Municipal officials are free to determine which collection and disposal option best fits their situation. Once a decision has been made, VDEQ will assist local officials in carrying out that decision.

Communities considering disposal options that include stockpiling, burying, or burning are encouraged to contact VDEQ for assistance in documenting compliance with applicable Federal laws and State guidelines. In some instances, local VDEQ Environmental Specialists may have already contacted local officials. VDEQ, in coordination with FEMA, the U.S. Army Corps of Engineers (USACE) and the Virginia Office of Emergency Services (OES) are prepared to provide technical assistance to local officials for compliance with Federal requirements associated with historic preservation and cultural resources.

In summary, local officials who have chosen disposal options that include burning, burying, or stockpiling must document compliance with applicable Federal laws in order to be eligible for Federal reimbursement. VDEQ is ready to assist you with this documentation.

Asbestos and Hazardous Materials:

Applicants should ensure that hazardous and liquid wastes such as propane cylinders, fuel oil tanks, drums of solvent, containers of pesticide, lead acid batteries, used oil filters, used motor oil, any item containing chlorofluorocarbons (CFCs), friable asbestos, radioactive waste, and regulated infectious wastes are excluded from non-hazardous debris sites and are disposed of properly. Containment strategies for hazardous waste may require an emergency permit and should follow DEQ regulations. Note that no permit is required for an immediate response to a release or an immediate response to a threat of release of hazardous waste; however, such actions should usually be taken in consultation with DEQ and/or VDEM.

VDEQ normally requires notification prior to demolition or renovation to control emissions of particulate asbestos to outside air. VDEQ recommends reasonable care be taken to reduce dispersal of asbestos during removal and transport of the debris to the disposal site. Further, VDEQ recommends,

to the extent feasible, that any asbestos containing materials (ACM) not be burned but be separated for disposal in an approved landfill. However, VDEQ anticipates that only small amounts of ACM will be present in residential dwellings. The primary source of ACM will be from commercial/industrial buildings in the following form:

- Thermal, fireproofing, and acoustical insulation materials (insulation for boilers, pipes, incinerators, autoclaves, furnaces, cooling towers)
- Transite (an asbestos cement product usually found in large gray colored sheets)
- Resilient floor tiles
- Roofing felt

Special care should be taken in the removal of these types of debris from commercial establishments that manufacture, sell, or install ACM.

Debris Burning:

As open burning is normally prohibited by state rule, VDEQ discourages open burning as a primary disposal technique. However, exceptions in emergency situations are specified in the rule and will be granted by the VDEQ. If burning is carried out to reduce the volume of waste material, VDEQ recommends that all burning be done in remote areas and that certain types of waste be excluded from burning, if possible. The following materials should be sorted for disposal in a landfill or as hazardous waste. Some material may also be recycled.

- Explosives (ammunition, re-loading equipment, black powder, military ordinance, fireworks)
- Fuel containers, metal or plastic
- Pressurized gas cylinders/tanks (propane tanks, acetylene tanks, refrigerant containers)
- Containers of petroleum based liquids, solvents, chemicals, etc.
- Off road gas powered equipment (lawn mowers, tractors, edgers, leaf blowers, and other lawn equipment, chain saws, 4-wheelers, etc.)
- Lawn and garden supplies (fertilizers, pesticides, etc.)
- Pool chemicals
- Tires
- Automobile batteries
- Bicycles
- PVC pipe
- Large household appliances (refrigerators, freezers, stoves, washers, dryers, etc.)
- Radioactive waste
- Industrial/commercial hazardous waste
- Medical waste
- Automobiles
- Electrical transformers

Any appliances that could potentially contain Freon or other chlorofluorocarbons (CFCs) cannot be disposed of until they have been certified as being free of Freon or CFCs.

All of the materials listed above, as being excluded from burning, must be disposed of at an approved disposal facility specific to each type of material. In most instances, these materials or other wastes may be disposed of at the Household Hazardous Waste facilities that are being organized through the cooperative efforts of various cities, VDEQ and the Environmental Protection Agency (EPA). The

contacts listed below will provide information on proper disposal practices for any hazardous substance or waste listed above.

Temporary Debris Sites:

Temporary emergency debris stockpiles should not be sited on potential environmentally sensitive lands; such as wetlands, floodplains, and previously undisturbed areas. The presence of historic and cultural resources should also be investigated (see later section). Hazardous waste at temporary sites is prohibited except when located in a separate, distinct containment area (see next section).

An emergency permit may be required to stockpile and dispose of woody waste if an approved landfill or permitted site is not available. The emergency permit request may be oral or written. Oral permits require that the applicant be fully aware of DEQ siting requirements and must be followed by a written permit within five days. The application form can be found at <http://www.deq.state.va.us/waste/wasteforms.html>.

Structure Demolition Activities:

Prior to demolition or renovation of any building, outbuilding or other structure, the potential presence of asbestos containing materials (ACM) must be considered per the Clean Air Act's National Emission Standards for Hazardous Air Pollutants (NESHAP). The primary source of ACM will likely be in commercial and industrial buildings, and to a lesser extent residential structures, in the following forms:

- Thermal, fireproofing and acoustical insulation materials (insulation for boilers, pipes, incinerators, furnaces, cooling towers, etc.)
- Transite™, an asbestos-cement product usually found in large gray sheets and in siding
- Resilient floor tiles
- Roofing felt and shingles

DEQ and the **Virginia Department of Labor and Industry (DOLI)** both administer/ implement the NESHAP regulations for inspections, handling, transport, and disposal of ACMs; along with work notification requirements. Applicants must coordinate these activities with these agencies. Depending on the landfill permit, the landfill may need to obtain special approval to manage ACM. Please contact the facility prior to transport.

Per the Toxic Substances Control Act and Resource Conservation and Recovery Act, residential demolition debris containing lead based paint must be disposed of consistent with Commonwealth requirements. Landfills that take construction and demolition debris are usually appropriate.

Waste Management Contacts:

The following offices and websites are available to provide information and guidance regarding waste management:

- DEQ Regional Offices can be found at <http://www.deq.state.va.us/>
- DEQ, Regional Permit Coordinator, Waste Division, 804-527-5020
- DEQ, Steve Frazier, Hazardous Wastes -804-698-4199
- DEQ, Regional Air Compliance Program, 804-698-4424
- <http://www.epa.gov/epahome/wastepgram.htm>
- <http://www.epa.gov/asbestos/index.html>
- http://www.doli.state.va.us/whatwedo/lead_asbestos/lead_asbestos.html

In addition, for hazardous chemical spills or possible contamination caused by the disaster, such as oil spills or well pollution, immediately contact:

- Hazardous Materials and Oil Spills National Response Center, 800-424-8802
- Virginia Department of Emergency Management (DEM), HAZMAT Team, 800-468-8892
(*Coordinates with various Commonwealth agencies on response.*)
- Susan Lingenfelter, USFWS, 804-693-6694, Ext. 113, susan_lingenfelter@fws.gov, or
Virginia Department of Game and Inland Fisheries, *when fish kills or oiled wildlife occurs.*)

HISTORIC PRESERVATION AND CULTURAL RESOURCES

The National Historic Preservation Act (NHPA) requires federal agencies to consider their undertakings' affects to historic properties. These undertakings may include demolition, repair, reconstruction, and ground-disturbing activities. A historic property is any prehistoric or historic district, archeological site, building, structure, bridge, or object included in or eligible for inclusion in the *National Register of Historic Places*. This term includes properties of traditional, religious and cultural importance. If uncertain whether a building/structure/bridge/cemetery/site is a historic property contact the **Virginia Division of Historic Resources**. Per Section 106 of the NHPA, FEMA consults with the **State Historic Preservation Officer (SHPO)** on projects prior to providing Federal funding. *Accordingly, unless repairs are emergencies, work should not proceed on historic properties until after a FEMA historic review – non-compliance could jeopardize receipt of federal funding.*

Structures and Buildings:

For structures and buildings that are over 50 years old, the following information should be included in the project worksheet package to facilitate historic review of the project:

- A detailed scope of the repairs; the structure(s) age; exact location (including latitude/longitude if possible) and address; site and topographic maps; and current and past use (if known);
- Whether it is part of a historic district;
- Clear photographs, hardcopy or digital (no photocopies please) of all sides of the structure

Where possible, repairs to National Register eligible or listed structures; including buildings, cemetery grave monuments, and bridges; must be in-kind to maintain their historic character (workmanship, materials, design, etc). Repairs should be consistent with the *Secretary of Interior's Standards for Rehabilitation*. Additional information is at:

<http://www.cr.nps.gov/hps/TPS/tax/rhb/> <http://www2.cr.nps.gov/tps/briefs/presbhom.htm>

Ground Disturbing Activities:

Before beginning any project involving ground disturbance beyond previous disturbance limits (except in immediate emergencies), such as use of previously undisturbed staging areas, leveling or realigning buried utilities, and the area must be evaluated for archeological concerns. Archeological deposits may not be immediately apparent and parts of the declared disaster area have the potential for particularly significant archeological remains. These may include buried human remains, Native American campsites, stone tools, abandoned industrial facilities such as factories or mines, historic house foundations, wells, outhouse pits, and trash scatters.

For work in historic cemeteries, historic landscapes (earthworks), or other known archaeologically sensitive areas, work, such as debris removal, should be done by hand and use of heavy machinery avoided. Tree rootballs in these areas, where feasible, should be trimmed and placed back in the void, or the depression covered with clean fill.

The following should be included in the project worksheet package for effective historic review, before work begins:

- An accurate map of the project area with its boundary clearly indicated (preferably a USGS topographic quad sheet and latitude/longitude)
- A description of all proposed work including extent of vertical and horizontal impacts and how work will be performed (equipment use, by hand, etc).

PLEASE CEASE WORK IMMEDIATELY AND CALL THE SHPO IF UNANTICIPATED BURIED CULTURAL MATERIALS SUCH AS WELLS, CISTERNS, FOUNDATIONS, BASEMENTS, PREHISTORIC NATIVE AMERICAN ARTIFACTS OR HUMAN BURIALS ARE ENCOUNTERED; EVEN AFTER FEMA HISTORIC REVIEW.

Tribal Considerations:

Although there are only two designated Native American tribal lands (Prince William County) in the declared disaster area, discovery of Native American human remains, funerary objects, sacred objects or objects of cultural significance in other declared areas may require tribal coordination, per the Native American Graves Protection and Repatriation Act (NAGPRA). The Virginia Council on Indians (VCI) was established as a link between the Commonwealth government and native communities in Virginia to handle important issues that may arise.

Historic Preservation Contacts:

The **Virginia Department of Historic Resources** maintains records of historic properties throughout the Commonwealth. For more information regarding historic properties visit <http://www.dhr.virginia.gov/> or contact:

- **State Historic Preservation Office**, Department of Historic Resources:
 - Marc Holma, Architectural Historian, Review and Compliance, 804-367-2323, Ext. 114, marc.holma@dhr.virginia.gov
 - Joanna Wilson, Archaeologist, Review and Compliance, 804-367-2323, Ext. 140
 - Bob Carter, Historian & Director, Community Services Div., 804-367-2323, Ext. 105
- **Virginia Council on Indians**
 - Deanna Beacham, Program Specialist, 804-225-2084, vci@governor.virginia.gov

BIOLOGICAL RESOURCES **(Threatened and Endangered Species, Parks, Etc)**

In Virginia over 70 species are listed as threatened or endangered with the **U.S. Fish and Wildlife Service (USFWS)**, along with several marine species listed by the **National Marine Fisheries Service (NMFS)**. These species are protected under the Endangered Species Act (ESA) and include birds, mammals, invertebrates (including insects), fishes, reptiles, amphibians and plants. In addition to USFWS and NMFS, the Commonwealth has two agencies that maintain their own lists of listed species and critical habitat. The **Virginia Department of Game and Inland Fisheries (DGIF)** has jurisdiction over all animals, except insects, and the **Virginia Department of Agriculture and**

Consumer Services (VDACS) covers plants and insects. The Natural Heritage Division, **Virginia Department of Conservation and Recreation (DCR)**, conducts reviews for plants and insects on behalf of VDACS and assists in preliminary screening for listed species.

As a funding agency, FEMA is required to consult with USFWS and NMFS per Section 7 of the ESA when it is determined a listed species or critical habitat may be affected by project work. If clean-up or construction activities are intended on previously unaltered land, or may potentially significantly affect the water quality or water flow within a watershed (such as significant dam/bridge repairs/replacement), or if you believe a listed species may be affected (positively or negatively) by your actions, further FEMA consultation is needed.

The following Commonwealth websites provide assistance in preliminary screening for listed species and critical habitat:

- **Virginia Department of Game and Inland Fisheries (DGIF):** Andrew Zadnik, Environmental Services Biologist, (804) 367-2733, Andrew.Zadnik@dgif.virginia.gov (*Commonwealth contact for non-insect animals.*)
- **DGIF Online Service Coordinator,** [Shirl Dressler](mailto:Shirl.Dressler@dgif.virginia.gov), 804-367-6913, Shirl.Dressler@dgif.virginia.gov.
- **Virginia Department of Conservation and Recreation (DCR), Natural Heritage Program,** <http://www.dcr.state.va.us/dnh/nhrinfo.htm> (*This website overlaps the DGIF website for some species; focuses primarily on plants and insects.*)

For additional information and assistance, contact:

- **USFWS:** Eric Davis, Endangered Species Biologist, Virginia Field Office, 804-693-6694, Ext. 104, eric_davis@fws.gov
- **NMFS:** Pat Scida, Northeast Regional Office, Gloucester, MA, 978-281-9208
- **Department of Conservation and Recreation (DCR), Natural Heritage Program:** Rene Hypes, Project Review Coordinator, 804-371-2708, rene.hypes@dcr.virginia.gov (*Commonwealth contact plants and insects.*)
- **Virginia Department of Agriculture and Consumer Services (VDACS):** Keith Tignor, Office of Plant and Pest Services, 804-786-3515, ktignor@vdacs.virginia.gov (*Commonwealth contact for plants and insects.*)
- **Department of Game and Inland Fisheries (DGIF):** Brian Moyer, Environmental Services Biologist, (804) 367-6913, brian.moyer@dgif.virginia.gov (*Commonwealth contact for non-insect animals.*)

WATER RESOURCES

There are many guidelines for dealing with projects in or near water sources. Likely projects may include repair, demolition, or new construction to roads, culverts, bridges and dams. Obtaining permits is the responsibility of the FEMA applicant and must be done prior to initiating any site activity, except for emergency actions that address immediate threats to life or property. *Failure to obtain proper permitting, could jeopardize receipt of federal funds.*

Permitting:

Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act apply to actions affecting waters of the United States. Commonwealth laws may also apply to Commonwealth-owned submerged lands and waters. Any construction, dredging (such as sediment bar removal), channelization, filling, or excavation (such as bank stabilization) in or near water, including, but not limited to, small streams, tributaries, lakes, ponds, stock tanks, construction and mining pits, and including wetlands, may require permits from the **U.S. Army Corps of Engineers (USACE)**,

Virginia Marine Resources Commission (VMRC), the **Virginia DEQ**, and/or local wetlands boards. The **U.S. Fish and Wildlife Service (USFWS)** and **National Resource Conservation Service (NRCS)** also have programs that assist in wetlands protection. *VMRC is the first stop in the permitting process for any project that may involve work in water, as they distribute the joint permit application to other agencies.* VMRC, USACE and DEQ joint permit application can be downloaded from the internet at:

- <http://www.nao.usace.army.mil/Regulatory/PN/JPA.html>

Only one copy of the application and necessary attachments needs to be submitted to VMRC, which will then send the application to other applicable agencies. These agencies may include USACE, DEQ, DGIF, DCR, local wetlands boards and the SHPO, if necessary. *A permit is not required for removal of flood debris (woody debris, furniture, etc.) from streams if the debris is removed by hand, does not change the channel size over pre-flood dimensions, and no equipment is placed in the water.* Work in non-tidal waterways where the upstream drainage area is not greater than five (5) square miles may not require authorization from VMRC.

There are some permitting exceptions regarding wetlands. In tidal areas, work above the mean high water line along non-vegetated shorelines (wetland vegetation) does not require a tidal wetland permit from VMRC or local wetlands boards, and VMRC does not have jurisdiction outside the streambed above the ordinary high water line. In addition, governmental activity in wetlands owned or leased by the Commonwealth on a political subdivision is authorized under a wetland zoning ordinance for tidal wetlands and does not require authorization by VMRC or local wetlands boards. Even if a permit is not required by VMRC or USACE, a local land disturbance permit may be required. *Debris cannot be stored in a wetland, even temporarily, without a permit.*

In addition to the above, the DEQ Water Quality Division protects ground and surface water quality and minimizes existing and potential water contamination from hazardous waste and chemical spills. Notification of spill or breakage to existing systems or facilities for which discharge permits currently exist is required. DEQ performs all Commonwealth certifications under the National Pollution Discharge and Elimination System (NPDES) permits issued by EPA and Section 404 permits issued by USACE.

The following websites offer additional guidance:

- <http://www.deq.state.va.us/>
- www.nao.usace.army.mil/regulatory

For additional information, contact:

- **VMRC**, 757-201-7652
- **USACE** Norfolk Permits and Regulatory Division, 757-201-7652
- Catherine Harold, **DEQ Water Protection Permit Program**, 804-698-4047, cmharold@deq.virginia.gov
- Kim Marbain, **Wetlands**, **USFWS**, 804-693-6694, Ext. 126, kim_marbain@fws.gov
- Wade Biddix, Assistant State Conservationist for Water Resources, **NRCS**, 804-287-1675, wade.biddix@va.usda.gov

Wetlands:

In addition to permitting, any modification to a wetland must comply with Executive Order 11990, Protection of Wetlands, and may require FEMA to complete an eight-step decision making process, including public notification.

Floodplains:

A federally funded action that may adversely affect a floodplain must be reviewed for compliance with Executive Order 11988, Floodplain Management, and may require FEMA to follow an eight-step decision making process, including public notification. Actions exempt from this executive order are emergency protective measures, debris removal (but not disposal), and repairs or replacements under \$5,000. For more information concerning floodplain actions contact:

- local county, city, or town floodplain administrator
- **National Flood Insurance Program (NFIP)**, 800-CALL FLOOD (800-225-5356)
- Dave Gunn, Virginia Department of Conservation and Recreation, (804) 786-1369, david.gunn@vdcr.virginia.gov

COASTAL RESOURCES

For actions that take place in coastal areas various Federal and State Acts and Programs such as the Coastal Barriers Resources Act (CBRA), Coastal Zone Management Act of 1972 (CZMA), and the Virginia Coastal Resources Management Program (VCP) need to be taken into consideration before any projects in these areas can be approved.

Coastal Barrier Resources:

The Coastal Barrier Resources Act (CBRA) of 1982 and the Coastal Barrier Improvement Act of 1990 established the Coastal Barrier Resources System comprised of undeveloped portions of coastal barrier islands and other areas along the coast and shores. Units within the System are shown on Flood Insurance Rate Maps (FIRMs) prepared by FEMA. The Act is administered by the U.S. Fish and Wildlife Service (USFWS), who have more detailed maps designating System Units.

FEMA's Code of Federal Regulations pertaining to Disaster Assistance at Subpart J – Coastal Barrier Resources Act (Parts 206.340 to 206.349) implements the Coastal Barrier Resources Act (CBRA), as that statute applies to disaster relief granted to individuals and state and local governments under the Stafford Act. It sets forth limitations on federal expenditures, disaster assistance exceptions, applicability, requirements, and consultation provisions.

CBRA prohibits new expenditures and new financial assistance within the Coastal Barrier Resources System (CBRS) for all but a few types of activities. After consultation with USFWS, the following disaster assistance may be made available within the CBRS, provided such assistance is consistent with the purposes of CBRA:

- Emergency actions essential to the saving of lives and the protection of property and the public health and safety, if such actions are performed pursuant to sections 402, 403, and 502 of the Stafford Act and are limited to actions that are necessary to alleviate the impacts of the event;
- Replacement, reconstruction, or repair but not the expansion, of publicly owner or publicly operated roads, structures, or facilities that are essential links in a larger network or system;
- Restoration of existing channel improvements (modifications) and related structures, such as jetties, and including the disposal of dredge materials related to such improvements (modifications).

In all instances, consultation with F&WL is required before any action can take place. Contact

- Eric Davis, U.S. Fish and Wildlife Service, 804-693-6694, Ext. 104; eric_davis@fws.gov. Also contact James Wright, FEMA, ELO, if additional guidance is required.

BRIDGE PERMITS & WATERWAY CROSSINGS (U.S. COAST GUARD)

The U.S. Coast Guard has regulatory authority under 33 CFR to issue permits for all construction on navigable bodies of waters of the United States. Any individual, partnership, corporation, or local, state, or federal legislative body, agency, or authority planning to construct or modify a bridge or causeway across a **navigable** waterway of the United States should contact the Coast Guard regarding the need for a permit from that agency. Contact:

- Waverly Gregory, Bridge Administrator, U.S. Coast Guard, 757-398-6222,
waverly.w.gregory@uscg.mil

The U.S. Coast Guard determination that a permit is not needed from that agency does not preclude the need to permits from other federal and state agencies, as noted above.